

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Uwe KELLER et al.

Serial No.: 10/049,850

Group Art Unit: 1773

Filed: June 21, 2002

Examiner: D. S. Nakarani

For: COMPOUND SAFETY GLASS AND PVB FOIL FOR THE PRODUCTION THEREOF

PETITION UNDER 37 CFR §1.144

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Ex parte Quayle Action of April 14, 2004, and pursuant to 37 CFR §1.144, applicants hereby petition the Group Director to review and withdraw the Examiner's Restriction Requirement as set forth in the Office Action of November 5, 2003.

Presently, claims 9-33 are pending. Claims 9-15 and 17-31 are allowed. Claim 16, and claims 32-33, which each depend directly from claim 16, stand withdrawn as being drawn to a non-elected invention.

In the Office Action of November 5, 2003, claim 16, drawn to a process, was withdrawn from consideration. Claims 9-15 and 17-27 drawn to a laminated safety glass (claims 28-33 had not yet been added) were subject to examination. Specifically, it was argued that the process of claim 16 did not require the sound insulation film of claim 15. Despite the fact that the instant application is a US national phase application stemming from PCT application PCT/DE00/02743, the November 5, 2003 Office Action presented no rationale or argument as to how the pending claims violated PCT Rule 13, i.e., Unity of Invention.

In the Reply filed January 14, 2003, applicants' requested that claim 16 be rejoined with the elected claims upon determination that the elected claims were allowable. Moreover, applicants traversed the Restriction on grounds that, upon determination that the elected claims were allowable, no burden would be imposed by including claim 16 in the examination.

Thereafter, the Examiner issued the Ex parte Quayle Action of April 14, 2004.

As the instant application is a US national phase application stemming from a PCT

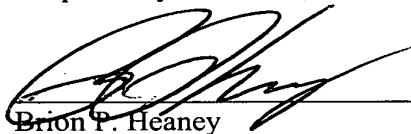
application, the PCT rules on Unity of Invention apply. See 37 CFR §1.475. PCT Rule 13.2 states that the requirement of unity of invention will be fulfilled when there is a technological relationship between the "inventions" involving one or more of the same special technical features.

In the instant case, claim 15 recites a sound-insulation film for use in producing laminated safety glass. This film contains polyalkylene glycol(s) selected from a specified group. Claim 16 recites a process of improving sound insulation in a laminated safety glass wherein at least one polyalkylene glycol is added to a film, the polyalkylene glycol being selected from the same group as specified in claim 15. In both claims 15 and 16, these polyalkylene glycol(s) improve the sound insulation of the film. Thus, claims 15 and 16 clearly share the same special technical feature and, therefore, do not violate the rule of unity of invention pursuant to PCT rule 13.1.

Reversal of the Examiner's action in maintaining the Restriction Requirement and continuing to hold claims 16 and 32-33 as withdrawn from consideration is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Brian P. Heaney
Registration No. 32,542
Attorney for Applicants

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Blvd. Suite 1400
Arlington, Virginia 22201
Telephone: (703)243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: TROPL-12

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